

AMENDMENT TO  
REVISED  
PROFFER STATEMENT  
REYNARD'S CROSSING REZONING  
RZ 99-L-04  
AMENDED 4/29/04

I. INTRODUCTORY STATEMENT.

The Proffer Statement for Reynard's Crossing submitted on December 6, 1999, and adopted by the Board of Supervisors, by Ordinance RZ 99-L-04 on December 20, 1999, is continued in full force and effect except as specifically modified herein. This Proffer Amendment applies only to the approx. 15 +/- acres set forth on the concept Development Plan, prepared by Paul Bernard, of Rickmond Engineering, dated May 2003, last revised April 2004. This Proffer Amendment does not effect any substantive change to any of the proffers previously made, except as specifically set forth herein and as limited to the 15 +/- acres on the Concept Development Plan, provided however that nothing herein shall cause a substantive change in the balance of the remaining Proffers or cause those Proffers to be construed as in violation because of any change effected herein. These Revised Proffers shall not be effective unless contemporaneously with the adoption and approval of these Proffers the Board adopts and approves, with conditions acceptable to Applicant #SPEX-04-LE-018.

II. CONCEPT DEVELOPMENT PLAN.

This paragraph is amended to read as follows:

The zoning of the Property will be in accord with the boundaries shown on the "Concept Development Plan Amendment for Phase 1.A." prepared by Rickmond Engineering, Inc., dated

20 May 2003, and last revised April 21, 2004 for 7.839 acres. All standards for streets, sidewalks, and trails set forth herein are incorporated by reference.

The Concept Development Plan contains the following 6 pages:

<u>No.:</u>	<u>Title:</u>
Page 1	Cover Sheet
Page 2	Plat
Page 3	Conceptual Development Plan
Page 4	Conceptual Stormwater Management
Page 5	Soils Map
Page 6	Landscaped Area Exhibit

All building footprints, parking configurations, landscape or open space areas, loading zones and other details shown are subject to reasonable minor variation to accommodate engineering or regulatory consideration.

### III. LAND USE REGULATIONS .

B. Paragraph III.B. and the included chart are amended to delete references to Phases 1, 2 and 3 and a Phase 1.A. is substituted with revised Maximum Development square footage. The revised part of Paragraph III.B. will now read:

<u>Phase</u>	<u>Acreage</u>	<u>Use</u>	<u>Maximum Development</u>
1.A.	15 + Ac.	Commercial/Office/Retail	110,000 sq. ft.
		<p>Uses allowed shall include these uses set forth in  Fauquier County Zoning Ordinance Sections:  3-301-1(d); 3-302-1 &amp; 2; 3-304-1; 3-305-1 &amp; 4;  3-306-1, 4 &amp; 5; 3-308-4, 5, 6 &amp; 7; 3-309-2, 3, 4, 10 &amp; 12;  3-310; 3-311 (except for 2,13 &amp; 14); 3-312; 3-313;  3-314 (except for 6, 7, 11, 12 &amp; 13); 3-315 (except for 3,  4, 11, 12 &amp; 13); 3-316; 3-317-3; 3-318-9, 10, 11,12 &amp; 20;  3-320-3, 4 &amp; 8; 3-321-5; and such similar uses as may  be added to the Zoning Ordinance.</p>	
		Apartments	2 <sup>nd</sup> Flr. and above
		(Maximum of 2 bedrooms)	Maximum 40 units

The balance of paragraph III remains unchanged.

IV. C-2, AREA (PHASES 1, 2 AND 3) is amended to read

C-1 and C-2 AREA (Phase 1.A.).

A. Paragraph IV.A. is amended to add a reference to C-1 zoning and is otherwise unchanged.

B. Paragraph IV.B. is amended to read:

All lighting shall be screened or shielded to reduce glare beyond the site

consistent with the requirements of Article 9 of the Fauquier County glare ordinance.

C. Paragraph IV. C. is amended to read:

Phase 1.A. shall have of open space or landscape green space as set forth in page 6 of the Concept Development Plan and provided that no less than 2.5 acres shall be open space.

D. A new paragraph IV.D. is substituted to read as follows:

6.787 acres of Phase 1A. area shall be developed under C-2 zoning rules and not more than 7.839 acres of the Phase 1.A.area shall be developed under C-1 zoning rules. The BRL for the C-1 zoning mixed use buildings shall be reduced by contemporaneous adoption of a special exception to allow the minimum of 14 feet of streetscape with a 6 foot sidewalk installed along Willow Drive North and Liberty Station Boulevard.

Contemporaneous with this rezoning, a special exception shall be adopted which grants a 20% reduction of the number of parking spaces required pursuant to Zoning Ordinance Sections 5-103.2e; 7-102.3 and 7-102.4 for the nonresidential components of the development and removes the requirement for visitor parking spaces and spaces for residents, boats, recreational vehicles, etc. for the residential portion of the development. Parking space credit shall be given for those spaces provided along Willow Drive and along Liberty Station Boulevard whether it is a public street or a development travelway.

V. V. D. is amended to read:

**SCHOOL and PUBLIC FACILITIES CONTRIBUTIONS**

A paragraph V.D.2. is added to read:

2. The Applicant in the Amended Proffers for Phase 1.A., last amended 4/22/04, proffers the amount of \$4,715.00 to be paid at building permit issuance for each apartment unit to be constructed in the commercially zoned property. This proffer is in accord with the Fauquier County Board of Supervisors Proffer Policy adopted October 21, 2002, and is calculated as follows:

Schools	\$3,805.00
Parks and Recreation	233.00
Libraries	97.00
Fire and Rescue	523.00
LandFill	57.00
Totals:	\$4,715.00

**VI. TRANSPORTATION IMPROVEMENTS.**

Paragraph VI. F. shall read as follows:

- F. The Applicant shall construct Liberty Station Boulevard in general accordance with the Concept Development Plan provided that engineering and the conditions contained in the Special Exception may require changes

in alignment and design which shall not be considered as variation from the Concept Development Plan.

A new section VIII. shall be added to read as follows:

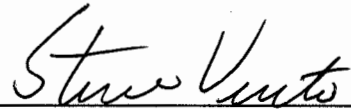
VIII. POLICE STATION.

For a period of up to 20 years, at the Sheriff's discretion, 1,000 square feet of end space shall be allotted to the County for a police substation at no cost for the lease, along with five (5) parking spaces. The developer and its successors shall provide the space including electric, water and sewer at no charge to the County. The County will be responsible for all build out within the demised space (warm, white shell with handicapped bathroom installed).

All other terms and conditions of the existing proffers remain in effect.

**SIGNATORY PAGE**

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